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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,321

09/11/2003

Kevin R. McComb

47079-0229

5941

30223 7590 03/05/2007  
JENKENS & GILCHRIST, P.C.  
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EXAMINER

CROSS, ALAN

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,321	<b>Applicant(s)</b> MCCOMB ET AL.	
	<b>Examiner</b> Alan Cross	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received:

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/29/04, 09/11/03</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. (US Patent #6644664) in view of Bennett (US Patent #6093102).

Regarding claims 1,5,8,11,12,13,14,19: Muir teaches a gaming machine having an improved game display comprising: a polyhedral reel having a plurality of faces, each face having an indicium; and a central processing unit for determining a stopped position for the polyhedral reel, the central processing unit further for controlling the drive mechanism to position the polyhedral reel in the stopped position (col.1, 26-54, col. 2, 60-67). Muir also teaches a wager acceptor (col. 3, 4-10), paylines (col.1, 65-67, col. 2, 1-6) and making a award for a wining game outcome (col. 3, 33-45). Except a drive mechanism connected to the polyhedral reel for rotating the polyhedral reel.

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Bennett teaches where a gaming machine may have either a video display or mechanical display of the reels (col. 5, 44-52). Whether the gaming machine has physical reels or video displayed reels it is controlled by a computer where they both are substantially the same. Where the out come would be the same in both just it would look different. It would have been obvious to one of ordinary skill in the art to combine the teachings of Muir and Bennett where polyhedral reels can be a mechanical reel or video where the out come of the game is displayed to the player and the player is paid for the wining combinations.

Regarding claim 2,3,6,15: Muir teaches the gaming machine described in claim 1, wherein the rotating polyhedral reel is oscillating (col. 1, 50-55). Muir is fully capable of rotating in at two axes.

Regarding claim 4,7: Muir teaches the gaming machine as described in claim 1, except a stepper motor driving the reels. Bennet teaches reels being controlled by a stepper motor (col. 5, 44-52). It would have been obvious to one of ordinary skill in the art to combine the teachings of Muir and Bennett where polyhedral reels can be a mechanical reel or video where the out come of the game is displayed to the player and the player is paid for the wining combinations.

Regarding clam 9,10: Muir teaches the method of claim 8, further comprising rotating the polyhedral reel in alternating directions before the stopped position and direction is alternated before a full revolution (col. 1, 50-60).

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Regarding claim 16: It is well known in the art that reels are stopped in a sequential manner, giving the player a feeling of anticipation to where the next stopping symbol is a matching or winning element that is about to be shown.

Regarding claim 17: Muir teaches the method as described in claim 15, wherein the award is the sum of all credit values displayed on the stopped reels (col. 1, 60-64)

Regarding claim 18: Muir teaches the method as described in claim 17, wherein the award is the sum of all the credit values displayed on the stopped reels multiplied by the product or each multiplier displayed on the stopped reels (col. 2, 50-59). It is well known to have symbols that multiply the amount won for example wild symbols or multipliers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529.

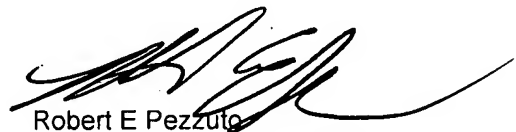
The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC 571-272-5529



Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714